

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

**ROBERT CRIPE individually and
on behalf of all others similarly situated**

Plaintiff,

vs.

**DENISON GLASS & MIRROR, INC.
and MARK A. GAMPPER**

Defendants.

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Case No. 4:11cv224

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE AND
ORDER CONDITIONALLY CERTIFYING CLASS AND GRANTING JOINT MOTION
FOR APPROVAL OF NOTICE TO POTENTIAL PLAINTIFFS**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On January 27, 2012, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Plaintiff's Motion for Conditional Certification and Notice to Potential Class Members (Dkt. 22) be GRANTED, that the class be conditionally certified, that notice be issued to potential plaintiffs, and that, within ten (10) days of certification, Defendants be ordered to produce to Plaintiff certain Employee Information. The report further directed the parties to confer regarding the proposed notice language to potential plaintiffs. On February 14, 2012, after a hearing before the United States Magistrate Judge, the parties submitted a Joint Motion for Approval of Notice to Potential Plaintiffs (Dkt. 62).

Having received the report of the United States Magistrate Judge regarding conditional certification, and no objections thereto having been timely filed, this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the court.

Therefore, Plaintiff's Motion for Conditional Certification and Notice to Potential Class Members (Dkt. 22) is GRANTED, the class is conditionally certified, and notice shall be issued to potential plaintiffs.

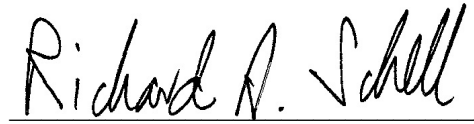
The Joint Motion for Approval of Notice to Potential Plaintiffs (Dkt. 62) is also GRANTED, and the Notice and Consent Form submitted by the parties and contained in Docket Entry 62-1 is hereby APPROVED. Within ten (10) days of the date of this Order, Defendants are ORDERED to produce the names, home addresses, home telephone numbers, Drivers License numbers, and dates and locations of employment of current and former hourly paid employees at all locations of Denison Glass & Mirror Inc. who did not receive overtime pay (time-and-one-half) on "drive time." ("Employee Information"). This group is limited to current and former employees who work(ed) for Denison Glass & Mirror Inc. from three years prior to the date of the certification order to the present. Defendants shall produce the "Employee Information" to Plaintiffs' counsel in a hard copy and in an electronically usable format.

Plaintiff is authorized to distribute such Notices and Consent Forms to potential opt-in plaintiffs upon receiving the "Employee Information." Plaintiff is further authorized to amend any of the dates in the approved Notice and Consent Form submitted by the parties and contained in

Docket Entry 62-1 to conform to the date of entry of this Order.

IT IS SO ORDERED.

SIGNED this the 20th day of March, 2012.

A handwritten signature in black ink, reading "Richard A. Schell". The signature is written in a cursive style with a horizontal line underneath.

RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE